



NOTICE TO DRIVING SCHOOLS REGARDING READOPTION OF REGULATIONS

June 8, 2010

Effective June 7, 2010 certain provisions of N.J.A.C. 13:23 pertaining to driving schools and driving school instructors were adopted with amendments. The re-adoption of the driving school regulations includes changes pertaining to the operation of driving schools, driving school premises, driving instruction, driving instruction vehicles and the administration of tests by driving schools. These amendments are necessary to ensure safety, to promote fairness in dealings between students and driving schools and to preserve the integrity of the instruction process.

Amendments include the following (complete amendments available in the New Jersey Register, 42 N.J. 6 (1):

13:23-2.10(b) – now requires that the office, including toilet facilities if made available to the public, be separated from the living quarters of the private residence.

13:23-2.19(a) – makes the use of a service agreement mandatory.

13:23.22(a) – requires that the mandatory service agreement specifically stipulate services to be rendered, (d) provides that a service agreement stipulating the minimum required information be provided to the student.

13:23-28(f) – requires the Chief Administrator to inspect instruction vehicles at any time during regular business hours, upon 24-hour notice to the driving school, at the principle place of business or approved branch office of the driving school.

13:23-2.29(a) – makes conspicuously displayed “Student Driver” roof-mounted sign optional when any driving school vehicle is being used for instruction and/or transportation of driving school students to or from a Commission driver testing facility; sign must indicate business name and license number unless additional sign containing this information exists in accordance with sub-section (b); (b) if no roof-mounted sign is displayed, two additional, permanent or removable signs indicating this information are required and must be placed on the exterior front driver’s side and front passenger’s side doors of the vehicle.

13:23-2.32(c) – the only occupants allowed in the instruction vehicle during the required six hours of behind-the-wheel driving instructions are the school instructor, the student receiving the instruction, a parent or legal guardian, an instructor-in-training, or an instructor supervisor, (d) no more than 3 hours of behind-the-wheel driving instruction may be provided to any one student in any one calendar day.

13:23-3.3 – requires an applicant for a motorcycle instructor’s license to have held a license to operate a motorcycle for at least the past three consecutive years and to have complied with the other requirements in the subchapter.

13:23-3.4(e) – an applicant for a motorcycle instructor’s license to have held a license to operate a motorcycle for at least the past three consecutive years and to have complied with the other requirements in the subchapter.

13:23-3.9(c) – all instructors licensed after July 1, 1984 must complete six-hour or eight-hour National Safety Council Defensive Driving Program or a Commission-approved Motor Vehicle Defensive Driving Course. Evidence of completion must be filed with the Chief Administrator, instructors must submit evidence prior to issuance of the initial instructor’s license.

13:23-3.12(b) – the grounds for revocation of instructor license include the accumulation of seven or more (decreased from nine or more) points by reason of convictions for violations of the Motor Vehicle Law.

13:23-51 – requires driving schools to administer driver’s examination and/or the State-approved eye examination to their students who are under contract with the driving school for behind-the-wheel instruction.

13:23-5.2 – requires driving schools to administer drivers’ examination and/or the State-approved eye examination only to students who are under contract with the driving school for behind-the-wheel instruction; (c) driving schools are not permitted to administer the State-approved written drivers’ examination or the State-approved eye examination to its students who are holders of or are seeking to be issued examination.

13:23-5.3 – requires applicants for the State-approved eye and written drivers’ examinations to be under contract with the driving school for behind-the-wheel instruction.

13:23-5.14 – requires State approved written drivers’ examination on paper examination forms derived from information electronically supplied by the Commission; (c) requires that a driving school must utilize the test questions that comprise the State-approved written drivers’ examination only in its administrative of such examination, and shall not otherwise disseminate or reproduce the test questions in any manner for any other purpose.

13:23-5.15(c) – requires that a driving school utilize the eye charts that comprise the State-approved eye examination only in its administration of such examination, and shall not otherwise disseminate or reproduce the eye charts in any manner for any other purpose.

Questions related to this notice may be directed to the Business Licensing Services Bureau at (609) 292-6500 ext. 5014.